

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS  
HELD MARCH 10, 2005 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

**P R E S E N T**      Mr. Raymond E. Graham, Chairman; Mr. Harry F. Atherton, Vice-Chairman;  
Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling;  
Mr. Paul S. McCulla, County Administrator; Mr. Kevin Burke, Acting  
County Attorney

**AGENDA REVIEW**

The Board of Supervisors reviewed the agenda.

**A WORK SESSION TO DISCUSS THE PROPOSED FY 2006 BUDGET**

The Board of Supervisors held a work session to review the proposed FY 2006 Budget.

The meeting was reconvened in Regular Session at 6:30 p.m.

**ADOPTION OF THE AGENDA**

Mr. Atherton moved to adopt the agenda, with the following changes. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

- Add regular agenda item #9, A Resolution to Approve Funding for a Purchase of Development Rights Easement on the Rebecca George Property and Support for an Application to the Virginia Land Conservation Fund Grant Program, and renumber subsequent agenda items accordingly.

**CITIZENS' TIME**

- Mary Root, Lee District, spoke on behalf of the Remington Community Partnership, and asked the Board to consider alternative designs for the Rappahannock Landing development project.
- Stan Edmister, Lee District, spoke in opposition to development on the Rappahannock Station Battlefield site at the Rappahannock Landing project, and suggested the creation of a private-public partnership between the community and the developer to consider a site plan modification.
- Ines Huber, Lee District, spoke on behalf of Citizens for Fauquier County to request that the Board postpone approval of the preliminary plat site plan for the Rappahannock Landing development project.

- Lorraine Payne, Lee District, representing the Southern Fauquier Historical Society, cited historic importance of the Battlefield at Rappahannock Station, and requested that the Board table a decision on the preliminary plat site plan application for the Rappahannock Landing development project.
- Dave Goetz, Center District, asked the Board to carefully consider the impact of the Rappahannock Landing development and requested preservation of the land at the Rappahannock Station Battlefield.
- Karen Dorschner, Lee District, formerly of the Lee District citizens planning committee, spoke in opposition to the Rappahannock Landing development project.
- Gar Shulin, Marshall District, a member of the Fauquier Historical Society, spoke in opposition to any development on the site of the Rappahannock Station Battlefield.

### **PROCLAMATIONS AND RECOGNITIONS**

- Mr. Stribling presented to Mary Barton, David Lee, and Dan Russell, A Proclamation to Recognize Principal Mary Barton and the Faculty and Students of Cedar Lee Middle School for Their Courageous Actions and Presence of Mind During a Recent Fire.
- Mr. Graham announced A Proclamation to Acknowledge and Honor the Contributions of Leslie Jean Hinegardner to the Citizens of Fauquier County.

### **CONSENT AGENDA**

Mr. Atherton moved to adopt the following consent agenda items. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

### **Approval of the Minutes for the February 10, 2005 Regular Meeting and March 8, 2005 and March 9, 2005 Adjourned Meetings of the Fauquier County Board of Supervisors**

### **A Resolution to Authorize the Clarke-Fauquier-Frederick-Winchester Regional Adult Detention Center (“The Regional Jail”) to Provide Virginia Law Enforcement Retirement System (LEOS) Benefits to Sworn Correctional Officers as Authorized by Section 51.1-138 of the Code of Virginia**

### **RESOLUTION**

A RESOLUTION TO AUTHORIZE THE CLARKE-FAUQUIER-FREDERICK-WINCHESTER REGIONAL ADULT DETENTION CENTER ("THE REGIONAL JAIL") TO PROVIDE VIRGINIA LAW ENFORCEMENT RETIREMENT SYSTEM (LEOS) BENEFITS TO SWORN CORRECTIONAL OFFICERS AS AUTHORIZED BY SECTION 51.1-138 OF THE CODE OF VIRGINIA

WHEREAS, Fauquier County, pursuant to its Regional Jail Agreement, is one of the jurisdictions which own and operate the Regional Jail; and

WHEREAS, the Regional Jail Board has requested permission from the participating jurisdictions to endow its sworn correctional officers with Virginia Law Enforcement Retirement System (LEOS) benefits as authorized by Section 51.1-138 of the Code of Virginia; and

WHEREAS, LEOS benefits provide for full, unreduced retirement and a post retirement supplement at age 50 for those sworn officers with at least 25 years of creditable service, or at age 60 for those with at least five years of creditable service; and

WHEREAS, LEOS benefits are routinely provided by regional jails throughout Virginia, and are an effective tool in recruiting and retaining highly qualified and competent sworn officers; and

WHEREAS, the request to endow sworn officers at the Regional Jail with LEOS benefits has been reviewed by the Budget Office, and does not pose any additional costs over those already anticipated in the FY 2006 budget submission; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of March 2005, at the Regional Jail Board's request to endow its sworn officers with LEOS benefits beginning in FY 2006 be, and is hereby, authorized.

**A Resolution to Provide Howard Shockey & Sons Inc. Notice to Proceed with the Construction of a 204-Bed Community Corrections Center**

RESOLUTION

A RESOLUTION TO PROVIDE HOWARD SHOCKEY & SONS INC.  
NOTICE TO PROCEED WITH THE CONSTRUCTION OF A 204-BED  
COMMUNITY CORRECTIONS CENTER

WHEREAS, the Clarke-Fauquier-Frederick-Winchester Regional Adult Detention Center is overcrowded, and public safety and efficient operations are deleteriously impacted by the inmate populations that exceed the design capacity; and

WHEREAS, affected jurisdictions have approved a Comprehensive Agreement to develop, design, and construct a community corrections center, and the City of Winchester, acting as the responsible public entity for the affected jurisdictions, has executed the Comprehensive Agreement in accordance with the Public-Private Education Facilities and Infrastructure Act of 2002; and

WHEREAS, the jurisdictions that own and operate the Clarke-Fauquier-Frederick-Winchester Regional Adult Detention Center have requested State funding to reimburse 50% of the cost of construction; and

WHEREAS, on November 17, 2004, the Virginia Board of Corrections approved the Community Based Corrections Plan submitted by the affected jurisdictions, and approved reimbursement funding in the amount of \$9,607,303 for a 204-bed community corrections center and 96-bed addition to the existing detention facilities, contingent upon completion of both projects and certification that the construction complies with State standards; and

WHEREAS, Howard Shockey & Sons Inc. has provided a 35% design cost estimate for the proposed community corrections center in the amount of \$8,752,554, excluding the cost of project financing; and

WHEREAS, commencement of construction of the community corrections center is scheduled for the first full week of May 2005; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of March 2005, That Howard Shockey & Sons Inc. be, and is hereby, given notice to proceed with the construction of a 204-bed community corrections center, provided that the negotiated cost does not exceed \$8,752,554.

**A Resolution to Approve a Mutual Aid Agreement Between the Town of Warrenton, the County of Fauquier, and the Fauquier County Sheriff**

RESOLUTION

A RESOLUTION TO APPROVE A MUTUAL AID AGREEMENT BETWEEN THE TOWN OF WARRENTON, THE COUNTY OF FAUQUIER, AND THE FAUQUIER COUNTY SHERIFF

WHEREAS, Virginia Code Sections 15.2-1724 and 15.2-1730 authorize the governing body of a locality to enter into mutual aid agreements for the provision of police and sheriff's services in times of emergency; and

WHEREAS, the Board of Supervisors wishes to authorize its Chairman to execute the attached Mutual Aid Agreement between the Town of Warrenton, the County of Fauquier, and the Fauquier County Sheriff; now, therefore be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of March 2005, That the Chairman of the Board of Supervisors be, and is hereby, authorized to execute the attached Mutual Aid Agreement between the Town of Warrenton, the County of Fauquier, and the Fauquier County Sheriff.

**LAW ENFORCEMENT MUTUAL AID AGREEMENT**

THIS AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_ 2005, between the Town of Warrenton, the County of Fauquier, and the Fauquier County Sheriff's Office.

WHEREAS, Virginia law authorizes local governments and Sheriffs in counties where no police department has been established to enter into reciprocal agreements for mutual aid and for cooperation in the furnishing of law enforcement services; and

WHEREAS, the Town of Warrenton, the County of Fauquier, and the Sheriff of Fauquier County have determined that the provision of law enforcement aid across jurisdictional lines will increase their ability to preserve the safety and welfare of the entire area; and

WHEREAS, it is deemed to be mutually beneficial to the parties hereto to enter into an agreement concerning mutual aid and cooperation with regard to law enforcement; and

WHEREAS, the parties desire that the terms and conditions of the Law Enforcement Mutual Aid Agreement to be established;

NOW, THEREFORE, in consideration of the mutual benefits to be derived for a Law Enforcement Mutual Aid Agreement, the parties hereto covenant and agree as follows:

1. Each party will endeavor to provide law enforcement support to the other party to this Agreement, within the capabilities available at the time the request for such support is made and within the terms of this Agreement.
2. Requests for assistance pursuant to the terms and conditions of this Agreement shall be made by the requesting jurisdiction's Chief of Police or Sheriff, whichever is applicable, or their respective designee.
3. The requesting party shall be responsible for designating a radio communications system for use by the requested party.

4. The personnel of the requested party shall render such assistance under the direction of the Chief of Police, Sheriff, or their respective designee of the requesting party.
5. Law enforcement support provided pursuant to this Agreement shall include, but not be limited to, the following resources: uniformed officers, canine officers, aerial support when maintained, forensic support, plainclothes officers, special operations personnel and related equipment. All law enforcement officers and personnel shall be duly trained and currently certified for the position provided.
6. Subject to the terms of this Agreement, and without limiting in any way the other circumstances or conditions in which mutual aid may be requested and provided under this Agreement, the parties hereto agree to provide assistance to the requesting party in situations requiring the mass processing of arrestees and the transportation of arrestees. The parties to the Agreement further agree to assist the requesting party with security and operation of temporary detention facilities.
7. Nothing contained in this Agreement should in any manner be construed to compel any of the parties hereto to respond to a request for law enforcement support when the personnel of the party to whom the request is made are, in the opinion of the requested party, needed or are being used within the boundaries of that party, nor shall any request compel the requested party to continue to provide law enforcement support to another party when its personnel or equipment, in the opinion of the requested party, are needed for other duties within the boundaries of its own jurisdiction.

8. In those situations not involving the provision of mutual aid upon request, law enforcement officers and personnel, and other employees of any town, county or Sheriff hereunder, may also enter into any other jurisdiction in furtherance of law enforcement purpose, concerning any offense in which the entering law enforcement agency may have a valid interest; provided, that the entering personnel shall, as soon as practical, make such presence known to the Chief of Police or Sheriff of the entered jurisdiction, or his designated representative.
9. The responsibility for investigation and subsequent actions concerning any criminal offense shall remain with the law enforcement agency of the locality whose court has original jurisdiction over the offense. Entering law enforcement personnel shall promptly notify the law enforcement agency of the entered locality upon discovery of a crime over which the court of the entered locality has original jurisdiction.
10. Officers acting pursuant to the Agreement shall be granted authority to enforce the laws of the Commonwealth of Virginia and to perform the other duties of a law enforcement officer, such authority shall be in conformance with Virginia Code Sections 15.2-1724; 15.2-1726; 15.2-1730; 15.2-1730.1; and 15.2-1736, as may be applicable; however, law enforcement officers of any party who might be casually present in any other jurisdiction shall have power to apprehend and make arrests only in such instances wherein an apparent, immediate threat to public safety precludes the option of deferring action to the local law enforcement agency.
11. All law enforcement officers, agents, and other employees of the parties of this Agreement who are acting pursuant to this Agreement shall have the same

powers, rights, benefits, privileges and immunities in each other's jurisdiction, including the authority to make arrests in each other's jurisdiction.

12. The services performed and expenditures made under this Agreement shall be deemed to be for public and governmental purposes and all immunities from liability enjoyed by the parties within their boundaries shall extend to their participation in rendering assistance outside their boundaries. It is understood that for the purposes of this Agreement, the responding party is rendering aid once it has entered jurisdictional boundaries of the party receiving assistance.
13. All pensions, relief, disability, workers' compensation, life and health insurance, and other benefits enjoyed by said law enforcement officers or personnel as employees of their respective jurisdiction, shall extend to the services they perform under this Agreement outside their respective jurisdictions. Each party agrees that provisions of these benefits shall remain the responsibility of the employing party.
14. Each party agrees that, in activities involving the rendering of assistance to another party pursuant to this Agreement, each party shall waive any and all claims against other parties thereto which may arise out of their activities outside their respective jurisdictions. It is expressly understood that the provisions of this paragraph shall not apply to entry of law enforcement officers or other personnel into another jurisdiction pursuant to Paragraph 8 of this Agreement.
15. The parties shall not be liable to each other for the reimbursement for injuries to law enforcement officers or personnel, or damage to equipment incurred when going to or returning from another jurisdiction, except to the extent that reimbursement for such expenses may be or is received from the Federal



Emergency Management Agency (FEMA) or other governmental agency. Neither shall the parties be liable to each other for any other costs associated with, or arising out of, the rendering of assistance pursuant to this Agreement, except to the extent that reimbursement for such expenses may be or is received from FEMA or other governmental agency.

16. This Agreement rescinds and supersedes all previous written agreements and oral understandings relating to the provision of mutual law enforcement services between the parties.
17. Any of the parties hereto may withdraw from this Agreement by giving thirty (30) days written notice to that affect to the other parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused the Agreement to be executed by the Town Manager of the Town of Warrenton, the Chief of Police of the Town of Warrenton, the Chairman of the Fauquier County Board of Supervisors, and the Fauquier County Sheriff.

**Town of Warrenton**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kenneth L. McLawhon  
Town Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Roger L. Paul  
Police Chief

**Fauquier County**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Raymond E. Graham  
Chairman of the Board of Supervisors

\_\_\_\_\_  
Date

\_\_\_\_\_  
Charlie Ray Fox, Jr.  
Sheriff

**A RESOLUTION TO APPROVE FUNDING FOR A PURCHASE OF DEVELOPMENT RIGHTS EASEMENT ON THE REBECCA GEORGE PROPERTY AND SUPPORT FOR AN APPLICATION TO THE VIRGINIA LAND CONSERVATION FUND GRANT PROGRAM**

Following an explanatory statement, Mr. Graham moved to adopt the following resolution. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

***Ayes: Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling***  
***Nays: None***  
***Absent During Vote: None***  
***Abstention: None***

**RESOLUTION**

**A RESOLUTION TO APPROVE FUNDING FOR A PURCHASE OF DEVELOPMENT RIGHTS EASEMENT ON THE REBECCA GEORGE PROPERTY AND SUPPORT FOR AN APPLICATION TO THE VIRGINIA LAND CONSERVATION FUND GRANT PROGRAM**

WHEREAS, on February 19, 2002, the Fauquier County Board of Supervisors adopted the Purchase of Development Rights (PDR) Program to acquire conservation easements for the purpose of protecting agriculture, providing open space, ameliorating the impact of development on the County, and authorizing payment of \$20,000 per development right; and

WHEREAS, on November 10, 2004, the Fauquier County Board of Supervisors authorized the annual application cycle for properties to be considered under the PDR Program; and

WHEREAS, the Virginia Land Conservation Fund Grant Program allows recapture of up to 50% of the cost of selected easements; and

WHEREAS, the PDR Committee recommends that the Board of Supervisors approve funding for a Purchase of Development Rights Easement on the Rebecca George property at \$20,000.00 per development right with 23 development rights being assigned to the 274.46 acre property for a total of \$460,000.00 and further recommends that the Board of Supervisors support an application to the Virginia Land Conservation Fund Grant program; now therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of March 2005, That the Board of Supervisors does hereby approve funding for a Purchase of Development Rights Easement on the Rebecca George property and support an application to the Virginia Land Conservation Fund Grant Program using this as the subject property.

**A RESOLUTION TO AMEND SPECIAL EXCEPTIONS SE02-S-13 AND SE02-S-14 TO GRANT A ONE-YEAR EXTENSION OF A PREVIOUSLY APPROVED DEVELOPMENT CONDITION – SUFFIELD MEADOWS, SCOTT DISTRICT**

Following discussion, Mr. Downey moved to adopt the following resolution. Mr. Stribling seconded, and the vote for the motion was 4 to 1 as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>Mr. Richard W. Robison</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

**RESOLUTION**

**A RESOLUTION TO AMEND SE02-S-13 AND SE02-S-14, TO GRANT A ONE-YEAR EXTENSION OF A PREVIOUSLY APPROVED DEVELOPMENT CONDITION  
SUFFIELD MEADOWS, SCOTT DISTRICT**

WHEREAS, the owners of the property identified by PIN 6995-79-4111-000 have requested Special Exceptions pertaining to establishing a continuing care facility in the Rural Agricultural (RA) zoning district (Category 6, Institutional Uses) and for a private sewerage system (Category 20, Public Utilities); and

WHEREAS, the requested Special Exception will allow the applicant to construct the aforementioned facilities; and

WHEREAS, pursuant to the approved Special Exception Condition 4, the applicant is now requesting a one (1) year extension from the Board of Supervisors in order to meet the requirement of condition 4, which states: *“The Special Exception shall expire and be null and void unless a Certificate of Occupancy for the first occupied unit or building is issued within three (3) years of the date of approval for the Special Exception, or a Board of Supervisors extension is approved”*; and

WHEREAS, the Special Exception shall expire and be null and void unless a Certificate of Occupancy for the first occupied unit or building is issued within three (3) years of the date of approval for the Special Exception, or a Board of Supervisors extension is approved; and

WHEREAS, on May 20, 2002, the Board of Supervisors approved the Special Exceptions with a series of development conditions; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of March 2005, That the one (1) year extension for Special Exceptions SE02-S-13 and SE02-S-14, AML Development Corporation, Applicant, be, and is hereby, approved, subject to the original development conditions.

**RAPPAHANNOCK LANDING: PRELIMINARY PLAT PPLT05-LE-018, LEE DISTRICT**

Following extensive discussion, Mr. Graham moved to accept Preliminary Plat application PPLT05-LE-018, Rappahannock Landing, in Lee District, subject to conditions as recommended in the staff report. Mr. Atherton seconded, and the motion was 4 to 1, as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>Mr. William G. Downey</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

**APPOINTMENTS**

By unanimous consent, the following appointments were approved:

- Fauquier County Water and Sanitation Authority – Center District: Earl Douple, Jr. appointed effective April 9, 2005, with a term to expire April 9, 2008.

**SUPERVISORS' TIME**

- Mr. Robison commended Mrs. Renée Andersen, Deputy Clerk to the Board of Supervisors, for earning the professional designation of Certified Municipal Clerk.
- Mr. Stribling noted the passing of Mr. Edwin Lee, a former school administrator.
- Mr. Atherton reminded citizens to vote on March 15, 2005, regarding the high school bond referendum.
- Mr. Graham noted the passing of Ms. Eloise Trainum, a former teacher, realtor, and community activist. Mr. Graham extended congratulations to Fauquier High School Freshman Kevin Chapman for achieving the State championship in wrestling, and he commended all local high school athletes for their outstanding achievements overall in sports.

## **ANNOUNCEMENTS**

- Mr. McCulla reiterated the schedule of Board of Supervisors' budget public hearing and work session dates, promulgated on the last page of the agenda, as follows:

### **Public Hearing on the FY 2006 Proposed Budget and Tax Rate**

Warrenton Middle School  
244 Waterloo Street • Warrenton, VA 20186  
March 15, 2005 • 7:00 p.m.

### **Board Budget Joint Work Session with School Board**

Warren Green Building 1<sup>st</sup> Floor Conference Room  
10 Hotel Street • Warrenton, VA 20186  
March 16, 2005 • 4:00 p.m.

### **Board Budget Work Session**

Warren Green Building 1<sup>st</sup> Floor Meeting Room  
10 Hotel Street • Warrenton, VA 20186  
March 17, 2005 • 4:00 p.m.

### **Board Budget Work Session**

Warren Green Building 1<sup>st</sup> Floor Meeting Room  
10 Hotel Street • Warrenton, VA 20186  
March 31, 2005 • 4:00 p.m.

### **Adoption of FY 2006 Budget, Tax Rate and (tentatively) Capital Improvements Plan**

Warren Green Building 1<sup>st</sup> Floor Meeting Room  
10 Hotel Street • Warrenton, VA 20186  
March 31, 2005 • 5:30 p.m.

## **AMENDMENTS TO SECTION 8-38 OF THE FAUQUIER COUNTY CODE RELATING TO PAYMENT OF COURT COSTS AND ADMINISTRATIVE FEES**

A public hearing was held to consider proposed amendments to Section 8-38 of the Fauquier County Code relating to payment of administrative fees, attorney's fees, and collection agency's fees imposed upon certain delinquent taxpayers pursuant to Virginia Code Section 58.1-3958, and imposition of administrative costs for nuisance abatement liens. Mr. McCulla summarized the proposed amendments. No one else spoke. The public hearing was closed. Mr. Robison moved to adopt the following Ordinance. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

<b><i>Ayes:</i></b>	<b><i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>None</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

## **ORDINANCE**

AN ORDINANCE TO AMEND ARTICLE XIII, SECTION 8-38 OF THE FAUQUIER COUNTY CODE RELATING TO PAYMENT OF ADMINISTRATIVE FEES, ATTORNEY'S FEES AND COLLECTION AGENCY'S FEES IMPOSED UPON CERTAIN DELINQUENT TAXPAYERS PURSUANT TO VIRGINIA CODE SECTION 58.1-3958 AND IMPOSITION OF ADMINISTRATIVE COSTS FOR NUISANCE ABATEMENT LIENS

WHEREAS, Section 58.1-3958 of the Code of Virginia authorizes counties to impose fees to cover the administrative costs and reasonable attorney's or collection agency's fees upon persons with delinquent taxes or other delinquent charges; and

WHEREAS, the Board of Supervisors, after due notice and public hearing, has determined that it is in the best interest of the welfare of the citizens of Fauquier County to adopt this Ordinance; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 10th day of March 2005, That Section 8-38 of the Code of Fauquier County be, and is hereby, amended to read as follows:

Sec. 8-38. Payment of Administrative Fees, Attorney's Fees and Collection Agency's Fees ~~Administrative fee imposed upon certain delinquent taxpayers~~

Any person liable for any taxes imposed by this chapter or for other delinquent charges owed to the County, who fails to pay or remit the taxes required under this chapter or other delinquent charges on or before the due date shall, in addition to all penalties and interest, pay a fee to cover the administrative costs associated with the collection of taxes or other delinquent charges. A fee of ~~twenty (\$20.00)~~ thirty (\$30.00) dollars shall be imposed upon all taxpayers from whom taxes are collected subsequent to thirty (30) or more days after notice of delinquent taxes or charges pursuant to Section 58.1-3919 VA Code Ann., but prior to the taking of any judgment with respect to such delinquent taxes or charges. A fee of ~~twenty-five (\$25.00)~~ thirty-five (\$35.00) dollars shall be imposed upon all taxpayers from whom taxes are collected subsequent to judgment. Additionally, collection agency's fees or attorney's fees actually contracted for not to exceed twenty (20) percent of the delinquent tax bill, may be recovered from any such person whose taxes are thereafter collected by a private collection agent or attorney. The Treasurer may waive any administrative fees imposed by this section when it is determined that the failure to pay a tax imposed under this chapter was not the fault of the taxpayer. If the collection activity is to collect on a nuisance abatement lien, the fee for administrative costs shall be one hundred and fifty dollars \$150 or twenty-five (25) percent of the cost, whichever is less; however, in no event shall the fee be less than twenty-five dollars (\$25.00).

; and, be it

ORDAINED FURTHER, That the tax imposed under this Ordinance shall be effective April 1, 2005.

**AMENDMENTS TO SECTIONS 2-17 AND 2-17.1 OF THE FAUQUIER COUNTY CODE  
RELATING TO PARKS AND RECREATION**

A public hearing was held to consider proposed amendments to Section 2-17 and Section 2-17.1 of the Fauquier County Code related to powers and duties, and financial policies of the Parks and Recreation Board and Department of Parks and Recreation. Kevin Burke, Acting County Attorney, summarized the proposed amendments. No one else spoke. The public hearing was closed. After discussion, Mr. Atherton moved to adopt the following Ordinance. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

**Ayes:** *Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
**Nays:** *None*  
**Absent During Vote:** *None*  
**Abstention:** *None*

ORDINANCE

AN ORDINANCE AMENDING SECTIONS 2-17 AND 2-17.1 OF THE FAUQUIER  
COUNTY CODE RELATED TO PARKS AND RECREATION

WHEREAS, the Board of Supervisors has determined that it is in the best interest of the County to amend Sections 2-17 and 2-17.1 of the Code of Fauquier County relating to the daily Supervision of the Director of the Parks and Recreation Department, and its adherence to County Finance policies; and

WHEREAS, the Board of Supervisors has received the comments of the public on the proposed amendments; now, therefore, be it

ORDAINED by the Board of Supervisors of Fauquier County this 10th day of March 2005, That Sections 2-17 and 2-17.1 of the Code of Fauquier County be, and are hereby, amended as follows:

Section 2-17. Powers and duties

Immediately after their appointment, the board shall meet and organize by electing one of their members chairman and such other officers as may be necessary. The board may appoint a ~~liaison advisory group of five (5) members under twenty one (21) years of age~~ such advisory committees as it deems appropriate. The board shall have power to adopt bylaws, rules and regulations of the proper conduct of parks and recreation for the county. The board shall also have the power to direct the ~~daily activities~~ programs and projects of the parks and recreation department within the board guidelines as may be set by the board of supervisors. The ~~board of supervisors~~ county administrator shall have authority to ~~appoint or terminate the director~~ appoint, supervise, evaluate and terminate the director; however, the ~~board of supervisors~~ county administrator shall take no action on appointment or termination of the director until the parks and recreation board shall have had an opportunity to make a recommendation on same. The parks and recreation director, under the supervision of the county

administrator, shall direct the daily activities of the department, including the direction of all administrative responsibilities.

#### Section 2-17.1. Finances generally

(a) Annually, the parks and recreation board shall submit a budget request to the board of supervisors for operation and maintenance of the park and recreation facilities of the county for their approval. In addition to any funds appropriated by the board of supervisors, the parks and recreation board may accept any grant or devise of real estate or any gift or bequest of money or other personal property or donation to the applied principal or income for either temporary or permanent use for parks and recreation purposes; but if acceptable thereof for such persons which subject the board of supervisors to additional expense for improvements, maintenance or renewal, the acceptance of any grant or devise of real estate shall be subject to the approval of the board of supervisors. Money received for such purposes, unless otherwise specified in the terms of the gift or bequest, shall be deposited with the county treasury and designated for the parks and recreation budget of the county.

(b) The parks and recreation board may charge a nominal fee for such activities as the board shall see fit.

(c) The park and recreation board shall not be permitted to encumber any debt upon the county beyond its annual budget appropriation unless express permission is given by the board of supervisors.

(d) Use and expenditures of appropriated and donated funds shall be in conformance with adopted board of supervisors' purchasing and financial policies.

#### **SPECIAL EXCEPTION #SPEX05-CR-006 - RODNEY I. SMITH, OWNER AND APPLICANT**

A public hearing was held to consider an application to obtain Special Exception approval under Category 26, which would allow for a decrease in the non-common open space requirement. The property is located on the south side of Balls Mill Road (Route 663), in Cedar Run District, further identified as PIN #6990-45-1135-000. Rick Carr, Director of Community Development, summarized the application. Matthew Smith, read a statement of justification on behalf of his father, the applicant, who was traveling out of the area that date. Dennis Donohue, Cedar Run District, an adjacent property owner, spoke in favor of the application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt a resolution to approve SPEX05-CR-006, a Category 26 Special Exception to allow for a decrease in the non-common open space requirement, Cedar Run District. Mr. Stribling seconded. After extensive discussion, the consensus of the Board was to delay action in order to permit staff to have further discussions with the applicant. Mr. Graham then moved to withdraw the original motion, and postpone a decision on the matter until the next regular Board meeting on April 14, 2005. Mr. Robison seconded, and the vote for the motion was unanimous as follows:



*Ayes: Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**PROPOSED PROPERTY TAX EXEMPTION – FAUQUIER AND LOUDOUN GARDEN CLUB**

A public hearing was held to consider an application for real and personal property tax exemption, pursuant to Virginia Code Section 58.1-3651 and Section 8-53 of the Fauquier County Code. The assessed value of the property is currently \$1,100.00 and the taxes assessed are \$10.89. No one spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

*Ayes: Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*  
*Nays: None*  
*Absent During Vote: None*  
*Abstention: None*

**ORDINANCE**

**AN ORDINANCE EXEMPTING THE REAL AND PERSONAL  
PROPERTY OWNED BY FAUQUIER AND LOUDOUN GARDEN CLUB FROM  
TAXATION**

WHEREAS, Fauquier County Code Section 8-53 authorizes the Board of Supervisors to designate property as exempt from taxation where such property is held by an organization that uses the property exclusively for charitable purposes; and

WHEREAS, Virginia Code §58.1-3651 sets forth the process and procedure by which a locality may designate property as tax exempt; and

WHEREAS, Virginia Code §58.1-3651.B requires that, prior to the adoption of any Ordinance exempting property from local taxation, the Board of Supervisors shall hold a public hearing on the proposed application; and

WHEREAS, the Board of Supervisors, after due notice and public hearing, has considered the questions set forth in Virginia Code §58.1-3651.B and, upon consideration of those questions, has determined that the application for the proposed exemption from taxation should be granted; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 10<sup>th</sup> day of March 2005, That the real and personal property owned by Fauquier and Loudoun Garden Club be, and is hereby, designated as exempt from taxation for real and personal property taxes of the County,

based upon Fauquier and Loudoun Garden Club's exclusive use of said property for charitable purposes; and, be it

ORDAINED FURTHER, That the continuance of this exemption shall be conditioned upon the continuous use of this property in accordance with the purpose for which this organization has been designated; and, be it

ORDAINED FINALLY, That this exemption shall be effective on January 1, 2005.

With no further business, the meeting was adjourned at 8:40 P.M., to reconvene on March 15, 2005.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on March 10, 2005.*

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*Paul S. McCulla*  
*Clerk to the Board of Supervisors*